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Lead Counsel for the Direct Purchaser Class

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE CAPACITORS ANTITRUST
LITIGATION

THIS DOCUMENT RELATES TO THE
DIRECT PURCHASER CLASS ACTION

Master File No. 3:14-cv-03264-JD

MDL Case No. 3:17-md-02801-JD

**DIRECT PURCHASER CLASS'S NOTICE
OF RECENT AUTHORITY IN SUPPORT
OF ITS OPPOSITION TO SECOND
MOTION TO DECERTIFY**

The Direct Purchaser Class (the “Class”) hereby submits the attached recent authority in support of its Opposition to Second Motion to Decertify (MDL ECF No. 1507): *Olean Wholesale Grocery Cooperative, Inc. v. Bumble Bee Foods LLC*, No. 19-56514, 2021 WL 3355496 (9th Cir. Aug. 3, 2021) (“*Olean*”) (attached hereto as Exhibit A).

The Court previously deferred resolution of Defendants’ Second Motion for Decertification pending retrial of the Class’s case. MDL ECF No. 1521. On August 3, 2021, the Ninth Circuit granted rehearing en banc and vacated its April 6, 2021 panel opinion. *Olean*, 2021 WL 3355496, at *1 (“The three-judge panel opinion is vacated.”). As the Ninth Circuit’s now vacated April 6, 2021 panel opinion formed the entire and only basis of Defendants’ Second Motion for Decertification of Direct Purchaser Plaintiff Class Based On New Ninth Circuit Authority, MDL ECF No. 1499, the Class respectfully requests that the Court deny Defendants’ Motion as moot.

Dated: August 4, 2021

Respectfully Submitted,

JOSEPH SAVERI LAW FIRM, LLP

By: /s/ Joseph R. Saveri
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